

AMENDED IN ASSEMBLY MAY 13, 2015

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Low

February 25, 2015

An act to amend Sections 2053, 9082.7, and 13300.7 of the Elections Code, relating to ~~ballot materials~~: *elections*.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as amended, Low. ~~Online ballot materials: accessibility.~~
Voting Accessibility Advisory Committee.

~~Under existing~~ Existing law, the Visually Impaired Voter Assistance Act of 1989, *requires* the Secretary of State ~~is required~~ to establish a Visually Impaired Voter Assistance Board *and prescribes the composition of the board, as specified.* Under existing law the board is required to, among other things, make recommendations to the Secretary of State for improving the availability and accessibility of ballot pamphlet audio recordings and their delivery to visually impaired voters. Existing law also requires the Secretary of State to make available the complete state ballot pamphlet over the Internet, which is required to include specified information. Existing law further authorizes county and city elections officials to establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, as specified.

This bill would ~~require the Visually Impaired Voter Assistance Board to~~ *rename the board as the Voting Accessibility Advisory Committee and would instead require the committee to advise the Secretary of State on improving the accessibility of elections, including election materials, for all voters with disabilities, and would revise the composition of the committee, as specified. The bill would require the Secretary of State to consult with the committee and consider the committee's recommendations, which the Secretary of State could implement at his or her discretion. The bill would also require the committee to make additional recommendations to the Secretary of State for improving the accessibility of election materials made available over the Internet, as specified. The bill would also *and would require the elections materials made available over the Internet to conform to meet or exceed certain standards and guidelines, as specified. The bill would further require the committee to make recommendations for providing voters with disabilities the same access and participation as is provided to other voters who are not disabled, including the ability to vote privately and independently.**

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2053 of the Elections Code is amended
2 to read:
3 2053. ~~(a) The Secretary of State shall establish a Visually~~
4 ~~Impaired Voter Assistance Advisory Board. The board shall consist~~
5 ~~of the Secretary of State, or his or her designee, and the following~~
6 ~~membership, appointed by the Secretary of State: Voting~~
7 ~~Accessibility Advisory Committee. The Secretary of State shall~~
8 ~~consult with the committee and consider the committee's~~
9 ~~recommendations related to improving the accessibility of elections~~
10 ~~for voters with disabilities. The Secretary of State may implement~~
11 ~~the committee's recommendations as he or she deems appropriate.~~
12 ~~(1) A representative from the State Advisory Council on~~
13 ~~Libraries.~~
14 ~~(2) One member from each of three private organizations. Two~~
15 ~~of the organizations shall be representative of organizations for~~
16 ~~blind persons in the state.~~

1 (a) *The committee shall consist of the Secretary of State, his or*
2 *her designees, and additional members appointed by the Secretary*
3 *of State. The appointees shall have demonstrated experience with*
4 *accessibility requirements for voters with disabilities or be a county*
5 *elections official.*

6 (b) ~~The board~~ *committee shall serve in an advisory capacity to*
7 *the Secretary of State and shall do all of the following:*

8 (1) Establish guidelines for reaching as many ~~visually impaired~~
9 ~~persons~~ *voters with disabilities* as practical.

10 (2) Make recommendations ~~to the Secretary of State~~ for
11 improving the availability and accessibility of ~~ballot pamphlet~~
12 ~~audio recordings~~ *election materials* and their delivery to ~~visually~~
13 ~~impaired voters. The Secretary of State may implement the~~
14 ~~recommendations made by the board.~~ *voters with disabilities.*

15 (3) Increase the distribution of public service announcements
16 identifying the availability of ~~ballot pamphlet audio recordings~~
17 *election materials for voters with disabilities* at least 45 days before
18 any federal, state, and local election.

19 (4) Make recommendations ~~to the Secretary of State~~ for
20 improving the accessibility of election materials made available
21 over the Internet, including the state ballot pamphlet pursuant to
22 Section 9082.7, the sample ballot and notice of polling place
23 pursuant to Section 13303, the voter pamphlet pursuant to Section
24 13307, and any associated materials. In making recommendations
25 pursuant to this paragraph, the board shall consider the following:
26 *Internet.*

27 (A) Nonvisual accessibility for the blind and visually impaired,
28 in a manner that provides the same opportunity for access as
29 provided to other voters who are not disabled.

30 (B) Recommendations from representatives of blind consumer
31 organizations, experts in accessible software and hardware design,
32 and any other individual or organization the Secretary of State or
33 board determines to be appropriate.

34 (5) Promote the Secretary of State's toll-free voter registration
35 telephone line for citizens needing voter registration information,
36 including information for ~~those who are visually handicapped,~~
37 *individuals with disabilities*, and the toll-free telephone service
38 ~~regarding the California State Library and regional library service~~
39 ~~services for the visually impaired.~~ *individuals who are unable to*
40 *read conventional print due to a visual or physical disability.*

1 (6) *Make recommendations for providing voters with disabilities*
2 *the same access and participation as is provided to other voters*
3 *who are not disabled, including the ability to vote privately and*
4 *independently.*

5 (c) A member shall not receive compensation, but each member
6 shall be reimbursed for his or her reasonable and necessary
7 expenses in connection with service on the ~~board~~ committee.

8 SEC. 2. Section 9082.7 of the Elections Code is amended to
9 read:

10 9082.7. (a) The Secretary of State shall make available the
11 complete state ballot pamphlet over the Internet. The online version
12 of the state ballot pamphlet shall contain all of the following:

13 (1) For each candidate listed in the pamphlet, a means to access
14 campaign contribution disclosure reports for the candidate that are
15 available online.

16 (2) For each state ballot measure listed in the pamphlet, a means
17 to access the consolidated information specified in subdivision
18 (b).

19 (b) The Secretary of State shall create an Internet Web site, or
20 use other available technology, to consolidate information about
21 each state ballot measure in a manner that is easy for voters to
22 access and understand. The information shall include all of the
23 following:

24 (1) A summary of the ballot measure's content.

25 (2) The total amount of reported contributions made in support
26 of and opposition to the ballot measure, calculated and updated as
27 follows:

28 (A) (i) The total amount of contributions in support of the ballot
29 measure shall be calculated by adding together the total amounts
30 of contributions made in support of the ballot measure and reported
31 in semiannual statements required by Section 84200 of the
32 Government Code, preelection statements required by Section
33 84200.5 of the Government Code, campaign statements required
34 by Section 84202.3 of the Government Code, and late contribution
35 reports required by Section 84203 of the Government Code that
36 are reported within 16 days of the election at which the measure
37 will appear on the ballot.

38 (ii) The total amount of contributions in opposition to the ballot
39 measure shall be calculated by adding together the total amounts
40 of contributions made in opposition to the ballot measure and

1 reported in semiannual statements required by Section 84200 of
2 the Government Code, preelection statements required by Section
3 84200.5 of the Government Code, campaign statements required
4 by Section 84202.3 of the Government Code, and late contribution
5 reports required by Section 84203 of the Government Code that
6 are reported within 16 days of the election at which the measure
7 will appear on the ballot.

8 (iii) For purposes of determining the total amount of reported
9 contributions pursuant to this subparagraph, the Secretary of State
10 shall, to the extent practicable with respect to committees primarily
11 formed to support or oppose a ballot measure, do both of the
12 following:

13 (I) Ensure that transfers of funds between primarily formed
14 committees are not counted twice.

15 (II) Treat a contribution made to a primarily formed committee
16 that supports or opposes more than one state ballot measure as if
17 the total amount of that contribution was made for each state ballot
18 measure that the committee supports or opposes.

19 (B) The total amount of reported contributions calculated under
20 this paragraph for each state ballot measure shall be updated not
21 later than five business days after receipt of a semiannual statement,
22 campaign statement, or preelection statement and not later than
23 two business days after receipt of a late contribution report within
24 16 days of the election at which the measure will appear on the
25 ballot.

26 (C) The total amount of reported contributions calculated under
27 this paragraph for each state ballot measure shall be accompanied
28 by an explanation that the contribution totals may be overstated
29 due to the inclusion of contributions made to committees
30 supporting or opposing more than one state ballot measure, as
31 required by subclause (II) of clause (iii) of subparagraph (A).

32 (3) A current list of the top 10 contributors supporting and
33 opposing the ballot measure, if compiled by the Fair Political
34 Practices Commission pursuant to subdivision (e) of Section 84223
35 of the Government Code.

36 (4) (A) A list of each committee primarily formed to support
37 or oppose the ballot measure, as described in Section 82047.5 of
38 the Government Code, and a means to access information about
39 the sources of funding reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

(c) Information made available over the Internet pursuant to this section shall ~~conform to~~ *meet or exceed* the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. The Secretary of State may also implement recommendations of the ~~Visually Impaired Voter Assistance Advisory Board~~ *Voting Accessibility Advisory Committee* made pursuant to paragraph (4) of subdivision (b) of Section 2053.

SEC. 3. Section 13300.7 of the Elections Code is amended to read:

13300.7. Notwithstanding any other law, county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, provided that all of the following conditions are met:

(a) The procedures establish a method of providing notice of and an opportunity by which a voter can notify elections officials

1 of his or her desire to obtain ballot materials electronically in lieu
2 of receiving them by mail.

3 (b) The voter email address or any other information provided
4 by the voter under this section remains confidential pursuant to
5 Section 6254.4 of the Government Code and Section 2194 of this
6 code.

7 (c) The procedures provide notice and opportunity for a voter
8 who has opted out of receiving a sample ballot and other materials
9 by mail to opt back into receiving them by mail.

10 (d) The procedures establish a process by which a voter can
11 apply electronically to become a vote by mail voter.

12 (e) A voter may only opt out of, or opt back into, receiving his
13 or her sample ballot and other ballot materials by mail if the
14 elections official receives the request and can process it prior to
15 the statutory deadline for the mailing of those materials for the
16 next election, pursuant to Section 13303. If a voter misses this
17 deadline, the request shall take effect the following election.

18 (f) The procedures shall include a verification process to confirm
19 the voter's identity, either in writing with a signature card that can
20 be matched to the one on file with the elections official, or if the
21 request is submitted electronically, it shall contain the voter's
22 California driver's license number, California identification
23 number, or a partial social security number.

24 (g) Information made available over the Internet pursuant to
25 this section shall ~~conform to meet or exceed~~ the most current,
26 ratified standards under Section 508 of the federal Rehabilitation
27 Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web
28 Content Accessibility Guidelines 2.0 adopted by the World Wide
29 Web Consortium for accessibility. Election officials may also
30 implement recommendations of the ~~Visually Impaired Voter~~
31 ~~Assistance Advisory Board~~ *Voting Accessibility Advisory*
32 *Committee* made pursuant to paragraph (4) of subdivision (b) of
33 Section 2053, and of any *local* Voting Accessibility Advisory
34 Committee created pursuant to the guidelines promulgated by the
35 Secretary of State related to the accessibility of polling places by
36 the physically handicapped.